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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 WELLS FARGO BANK, N.A.,

11 Plaintiff(s),

12 v.

13 SATICOY BAY LLC, SERIES 1304  
14 KINGDOM, et al.,

15 Defendant(s).

Case No. 2:17-cv-01510-RFB-NJK

ORDER

(Docket No. 35)

16 This is one of hundreds of cases pending in this Court arising out of HOA foreclosure sales. As  
17 the banks have done in numerous other cases, Plaintiff here has filed a motion for summary judgment  
18 on the basis that the Ninth Circuit has found the governing state statute to be facially unconstitutional.  
19 Docket No. 34 (discussing *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th  
20 Cir. 2016)). As has also been done in numerous other cases, Plaintiff here seeks a stay of discovery  
21 pending resolution of that motion for summary judgment. Docket No. 35. The Court enters such a stay  
22 when, *inter alia*, it is “convinced” that dispositive relief will be granted. *See, e.g., Kor Media Group,*  
23 *LLC v. Green*, 294 F.R.D. 579, 583 (D. Nev. 2013). District judges within this District have not  
24 uniformly concluded that *Bourne Valley* mandates an outcome in the banks’ favor in all cases. *See, e.g.,*  
25 *Bayview Loan Serving, LLC v. SFR Investments Pool 1, LLC*, 2017 U.S. Dist Lexis 41309 at \*10-12 (D.  
26 Nev. Mar. 22, 2017) (holding that the bank lacked standing to raise *Bourne Valley* argument). As a  
27 result, absent some showing that the pending case differs factually from that line of authority, the  
28 undersigned is not “convinced” by the mere invocation of *Bourne Valley* that dispositive relief will be

1 granted such tat a stay of discovery is not appropriate. *Bank of N.Y. Mellon v. Pomeroy*, Case No. 2017  
2 U.S. Dist. Lexis 179903 (D. Nev. Oct. 31, 2017); *U.S. Bank N.A. v. SFR Invs. Pool 1, LLC*, 2017 U.S.  
3 Dist. Lexis 177433, at \*1 (D. Nev. Oct. 24, 2017); *Bank of America, N.A. v. Treo N. & S. Homeowners’*  
4 *Ass’n*, 2017 U.S. Dist. Lexis 139662 (D. Nev. Aug. 30, 2017); *Bank of America, N.A. v. Imagination*  
5 *N. Landscape Maint. Ass’n*, 2017 U.S. Dist. Lexis 129398 (D. Nev. Aug. 14, 2017); *JPMorgan Chase*  
6 *Bank v. RHKids, LLC*, 2017 U.S. Dist. Lexis 123044 (D. Nev. Aug. 4, 2017); *Bank of N.Y. Mellon v.*  
7 *Vegas Prop. Servs.*, 2017 U.S. Dist. Lexis 66682 (D. Nev. May 2, 2017).

8 Similarly here, the arguments presented fail to convince the Court that the motion for summary  
9 judgment will be granted, so the motion to stay discovery is **DENIED**.

10 IT IS SO ORDERED.

11 DATED: November 2, 2017

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14 NANCY J. KOPPE  
15 United States Magistrate Judge  
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